

Message Text

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PAGE 01 ATHENS 02882 141835Z

42

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LIMDIS

EMBASSY ROME FOR DEPASST SECDEF BERGOLD

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SUBJECT: US-GREEK BASE NEGOTIATIONS - THIRD MEETING OF SUB-
GROUP ON SOFA QUESTIONS

REFS/(A) ATHENS; (B) ATHENS 2780

1. ECONOMIDES BEGAN TWO HOUR MEETING BY REVIEWING THE
POSITIONS SET FORTH IN THE PREVIOUS SUBGROUP MEETING
(REF A), INDICATING THAT THE GREEK SIDE WISHED THE
EXCLUSIVE APPLICATION OF THE NATO SOFA OF 1951 AND
EXPECTED THE US SIDE TO IDENTIFY THEOSE PROVISIONS
IN THE EXISTING AGREEMENTS THAT BOTHERED IT. HE POINTED
CONFIDENTIAL

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PAGE 02 ATHENS 02882 141835Z

OUT THAT ARTICLES OF THE DRAFT AGREEMENT PREPARED BY THE

GREEK SIDE WOULD FILL IN CERTAIN GAPS AND THAT IF AFTER REVIEWING THESE THE US SIDE WISHED TO MAKE SUGGESTIONS OR PRESENT COUNTERPROPOSALS, THE GREEK SIDE WOULD BE AGREEABLE. ECONOMIDES THEN PROVIDED THE TEXT OF THE GREEK PROPOSAL FOR A NEW BASIC AGREEMENT; UPON THE REQUEST OF THE US SIDE MACHERITSAS TRANSLATED ARTICLES 8-11, THOSE RELEVANT TO THE DISCUSSION OF THE SOFA ISSUES. (THE FULL TEXT OF THE PROPOSED GREEK DRAFT WILL FOLLOW SEPTTEL). ECONOMIDES EXPLAINED THAT ART 8 PROVIDED FOR THE EXCLUSIVE APPLICATION OF THE NATO SOFA; ART 9 WOULD APPLY THE NATO SOFA TO OTHER CATEGORIES OF US PERSONNEL IN GREECE WHILE TERMINATING AGREEMENTS OF THE 1947-49 PERIOD; ART 10, PARA 1 OPENED THE POSSIBILITY OF SPECIAL INDEMNIFICATION ARRANGEMENTS IN TECHNICAL AGREEMENTS OF INDIVIDUAL FACILITIES WHICH MIGHT REPLACE NATO SOFA ART VIII, ART X, PARA 2 WOULD ELIMINATE THE DISTINCTION THE GREEKS PERCEIVED BETWEEN "EMPLOYEES" IN NATO SOFA ART I, PARA 1B AND "WORKERS" IN NATO SOFA ART IX, PARA 4; ART II WOULD ABOLISH THE 1953 MFA, 1956 BILATERAL SOFA AND JAN 8, 1973 TECHNICAL ARRANGEMENT ON HOMEPORTING.

2. WHEN PRESSED FOR AN EXPLANATION OF ART 10, PARA 1, ECONOMIDES SUGGESTED AS AN EXAMPLE THE POSSIBILITY THAT SPECIAL "DANGER" (PRESUMABLY FROM ERRANT MISSILE) PRESENTED THROUGH FUNCTIONING OF NAMFI MIGHT REQUIRE DEPARTURE FROM THE NATO SOFA CLAIMS PROCEDURE. HE DISCLAIMED ANY DESIRE TO CHANGE CURRENT EMPLOYMENT PRACTICES, BUT CLAIMED ART 10, PARA 2 WOULD LEGALIZE IN THE EYES OF GOG EXISTING PRACTICE WHEREBY US EMPLOYED BOTH WHITE COLLAR EMPLOYEES AND WORKERS. THE US SIDE INDICATED IT DID NOT READ ART IX, PARA 4 OF NATO SOFA AS EXCLUDING WHITE COLLAR WORKERS, BUT THAT THIS WOULD NOT PRECLUDE CONSIDERATION OF THE GREEK POINT.

3. THE US SIDE EXPRESSED GRATITUDE FOR THE DRAFT, WHICH HELPED IT UNDERSTAND WHAT THE GOG WAS TRYING TO ACHIEVE. ALTHOUGH THE DRAFT RAISED A NUMBER OF QUESTIONS, THEY WOULD ONLY MAKE A FEW POINTS AT PRESENT: WHEREVER POSSIBLE
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PAGE 03 ATHENS 02882 141835Z

THE USG PREFERRED UNIFORM APPLICATION OF THE NATO SOFA; THE REFERENCE TO NAMFI AS AN EXAMPLE SEEMED INAPPROPRIATE TO THE US SIDE, AS NAMFI COULD ONLY BE DISCUSSED IN THE NATO CONTEXT; ANY DEVIATION FROM SOFA CLAIMS PROCEDURES RAISED THE POSSIBILITY THAT NEW US LEGISLATION WOULD BE REQUIRED.

4. US SIDE REFERRED TO AGREEMENTS ENUMERATED IN GREEK

DRAFT ART 9, NOTING THAT AGREEMENT OF JUL 8, 1947
CEASED TO BE EFFECTIVE AS OF DEC 31, 1948 (REF C)
AND THAT THE 1949 AGREEMENT WAS DATED APR 12 AND
NOT AUG 12.

5. THE US SIDE THEN SUGGESTED THAT AN EXAMINATION OF THE
1956 BILATERAL SOFA WOULD ENABLE BOTH SIDES TO UNDERSTAND
THE DIMENSIONS OF PROBLEM. ECONOMIDES BEGAN, INDICATING
NO PROBLEM WITH THE PREAMBLE BUT NOTING THAT ART I,
PARA 1 REFERRED TO THE MEMORANDUM OF FEB 4, 1953
WHICH IN THE GREEK VIEW HAD TO BE ABOLISHED. ART I,
PARA 2 CONCERNS THE STATUS OF US FORCES, CIVILIAN
COMPONENT, AND DEPENDENTS IN GREECE, PERMANENT OR
TEMPORARY, AND GREEK DRAFT ART 8 REPLACED THIS.
ECONOMIDES EXPANDED ON THIS PROVISION, SAYING THAT
PERSONS IN GREECE IN A DUTY STATUS WOULD BE COVERED BY
GREEK DRAFT LANGUAGE WHEREAS MILITARY TOURISTS SHOULD
NOT BENEFIT FROM EXEMPTIONS.

6. THE US SIDE AGREED THAT ART I, PARA 1 OF 1956
AGREEMENT NEED NOT BE REPEATED AND THAT MEMORANDUM OF
FEB 4, 1956 MIGHT BE ABOLISHED, BUT FELT THAT CERTAIN
PROVISIONS REGARDING EXEMPTIONS FROM TAXES FROM
THE LATTER DOCUMENT MIGHT HAVE TO BE RETAINED SINCE
THESE WERE NOT DEALT WITH ADEQUATELY IN THE NATO SOFA.
THEY WERE ADRESSED IN APPENDIX I OF THE 1953 MFA AND
WOULD BE ADDRESSED IN THE DISCUSSION OF THAT DOCUMENT.
RE ART I, PARA 2, THE GREEK CONCEPT WAS GENERALLY
ACCEPTABLE BUT USE OF THE WORD "EXCLUSIVELY" SEEMED
INAPPLICABLE, SINCE THE GREEK DRAFT ITSELF WOULD ALREADY
DEROGATE FROM THE NATO SOFA. THE US SIDE THEN EXPLAINED
THE RATIONALE FOR APPLYING THE NATO SOFA TO MILITARY
PERSONNEL OUTSIDE THE COUNTRY IN WHICH THEY WERE
CONFIDENTIAL

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PAGE 04 ATHENS 02882 141835Z

STATIONED, HIGHLIGHTING US CLAIMS AND FCJ RESPONSIBILITIES
AS WELL AS THE NEED TO ASSURE THE WELFARE OF MILITARY
PERSONNEL.

7. ECONOMIDES IDENTIFIED THE STATUS OF PERSONNEL
TEMPORARILY IN GREECE IN PRIVATE CAPACITY AS A
PRINCIPAL AREA OF DISAGREEMENT, NOTING THAT IT WOULD
NOT BE POSSIBLE TO HAVE SOFA COVERAGE FOR THEM. EVEN
THE VIENNA CONVENTION WOULD NOT COVER AMBASSADORS WHEN
OUTSIDE THEIR COUNTRIES OF ACCREDITATION. HE FELT THAT
THE GENERAL LANGUAGE INCORPORATED IN THE GREEK DRAFT
ART 8 WOULD COVER PERSONS IN GREECE ON TDY OR
VISITING SHIPS OR AIRCRAFT CREWS, BUT HE WISHED TO KNOW
HOW THE PROBLEM OF THE STATUS WAS RESOLVED WITH OTHER
NATO COUNTRIES. ECONOMIDES NOTED THAT LANGUAGE OF GREEK

DRAFT ART 8 REFERRING TO APPLICABILITY OF THOSE "IN GREECE" WAS MORE LIBERAL THAN THE LANGUAGE OF 1956 SOFA ART I REGARDING THOSE "IN GREECE AND THOSE SERVING IN GREECE." THE US SIDE RESPONDED THAT OTHER NATO MEMBERS REGARD PERSONNEL TEMPORARILY IN THESE COUNTRIES AS BEING COVERED BY THE NATO SOFA.

8. THE PACE OF THE WORK PROGRAM FOLLOWING THE PLENARY MEETING SCHEDULED FOR APR 15 WAS LEFT UNDECIDED, ALTHOUGH THE PROGRESS OF SUBGROUP WOULD BE REVIEWED AT THAT TIME. THE NEXT SUBGROUP MEETING WAS SCHEDULED FOR 1000 APR 16.
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